



Planning, Development & Inspections

(Planning) ☎ 919 856 6310
(Inspections) ☎ 919 856 6222

A Division of Community Services
P.O. Box 550 • Raleigh, NC 27602
wake.gov

Staff Report

To: Wake County Board of Commissioners
From: Tim Maloney, Director
Subject: Unified Development Ordinance Text Amendment OA-04-25
Date: October 20, 2025

Request

That the Board of Commissioners approve the following amendments to the Wake County Unified Development Ordinance (UDO):

1. Amend Section 19-34-6 *Effect of Preliminary Plan Approval; Lapse of Approval* to extend the period for which a preliminary subdivision plan is valid from two years to three years; and clarify that only one twelve-month extension may be granted.
2. Amend Section 19-23-14 *Validity of Permit* to extend the period for which a Special Use permit is valid from two years to three years; increase the period for an extension from six months to twelve months; clarify that only one extension may be granted; and that all remaining phases of a phased development are completed within seven years.
3. Amend Section 21-11 *Definitions* to amend the definition of *Structure* and *Building* that clarifies the difference between the two. More specifically, that a building constitutes an enclosure that is more than 50% enclosed.
4. Amend Article 4 *Use Regulations* as follows:
 - a. Remove the requirement from Section 4-38 *Family Care Homes* that the owner or operator must provide documentation of the closest licensed family care home and its proximity to the proposed family care home.
 - b. Remove the following requirements from Section 4-43 *Group Homes*: 1) that the lot has a minimum land area equal to or greater than that required under the applicable zoning district; and 2) the home fronts upon a road, street, or highway that meets or exceeds minimum standards for roads established by this ordinance.
 - c. Add a new use in Section 4-66 for *Youth Care Home* to address current trends and community needs for youth care facilities.

Applicant

Wake County Planning Development and Inspections

Background/Analysis

Section 19-34-6 Effect of Preliminary Plan Approval; Lapse of Approval and Section 19-23-14 Validity of Permit

The Wake County UDO requires certain permits to be completed within a specified time frame. The reason for this is that if development related to a permit lingers indefinitely, the standards and requirements may change, rendering the development out of compliance. However, in the case of Preliminary Subdivision Plans and Special Use Permits, staff recognize that the UDO does not allow enough time given the trend that developments are bumping up against the time limitations. Therefore, staff proposes to extend the time period for executing Preliminary Subdivision Plans and Special Use Permits as follows: 1) extend the period for which a Preliminary Subdivision Plan is valid from two years to three years; and clarify that only one twelve-month extension may be granted; and 2) extend the period for which a Special Use permit is valid from two years to three years; increase the period for an extension from six months to twelve months; clarify that only one extension may be granted; and that all remaining phases of a phased development are completed within seven years.

Section 21-11 Definitions

The UDO provides a definition for both “Building” and “Structure”. However, the two definitions need minor amendments regarding open air buildings/structures. For example, a carport may or may not have walls. If it does, is it a building or structure? Staff proposes to amend each definition by adding language that says a building constitutes an enclosure that is more than 50% enclosed. This aligns with the NC State Building Code, specifically pertaining to carports. Additionally, this distinction between a building and structure is important because residential lots are limited to three accessory buildings whereas the number of structures are unlimited (walls, fences, etc.).

Article 4 Use Regulations

The UDO provides regulations and standards for a variety of care homes including Family Care Homes and Group Homes. These homes provide temporary or permanent care for adults that suffer from physical or mental disability, or developmental disability. Staff recognize that several permitting requirements for these uses are no longer relevant and proposed to eliminate them. The requirements proposed to be eliminated include the following:

- 1) Section 4-38 *Family Care Homes*: “the owner or operator must provide documentation of the closest licensed family care home and its proximity to the proposed family care home.” This requirement no longer needs to be codified since staff are doing the search for family care homes in the vicinity of the proposed family care home.
- 2) Section 4-43 *Group Homes*: “the lot has a minimum land area equal to or greater than that required under the applicable zoning district; and the home fronts upon a road, street, or highway that meets or exceeds minimum standards for roads established by this ordinance.” Eliminating the minimum land area allows Group Homes to be located in an Open Space subdivision where the lot size can be reduced up to 50%. The requirement regarding the home front a road that meets minimum UDO standards does not need to be codified here. This requirement is codified in other parts of the UDO and addressed through other review processes.

Lastly, staff are proposing to add a new land use, Section 4-66 *Youth Care Home*. The new use will address current trends and community needs for youth care facilities that the current care homes do not. The proposed definition of Youth Care Homes shall be as follows: “Youth Care

Homes may not be located within a half-mile radius of an existing Family Care Home, Group Home, Youth Care Home, or other such care facility. It shall be defined as a public or private health facility, establishment, or institution, however styled, where non-related individuals under the age of 18 reside to receive care under adult supervision." When located in a residential district, establishments that house 1-6 youths will only require staff approval. Those with 7 or more youths will require a special use permit from the Board of Adjustment.

These proposed amendments do not impact any permits currently under review or any existing land use.

Staff Findings

The proposed amendment:

1. Removes development requirements for care homes that are no longer relevant.
2. Provides more time and flexibility to developers/builders as it relates to the subdivision process and Special Use Permits.
3. Incorporates a new use that addresses a trend and community need for youth care facilities.
4. It is consistent with the intent and purpose of the Wake County Unified Development Ordinance.

Staff Recommendation

Staff recommend that, in the matter of OA-04-25, the Board of Commissioners finds that the adoption of these proposed text amendments are consistent with the Wake County Comprehensive Plan and Wake County Unified Development Ordinance and are reasonable and in the public interest and hereby make a motion to approve the amendments as presented.

Planning Board Recommendation

At the September 3, 2025, Planning Board meeting:

1. The Wake County Planning Board voted unanimously to recommend that the Board of Commissioners adopt the statement of consistency for Ordinance Amendment 04-25 as presented.

and by separate motion

2. The Wake County Planning Board voted unanimously to recommend that the Board of Commissioners adopt Ordinance Amendment 04-25 as presented.

Attachments

1. Presentation
2. OA-04-25 Text Amendment
3. Motions Page